## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:08cv47-03-MU

DONNIE RAY WINSTON,	)	
	)	
Petitioner,	)	
	)	
v.	)	<u>O R D E R</u>
	)	
JOHN NEIL VAUGHN,	)	
	)	
	)	
Respondent.	)	
	)	

THIS MATTER comes before the Court upon Petitioner's Petition Under 28 U.S.C. § 2254, filed February 7, 2008 (Document No. 1.)

Pursuant to Rule 2 of the Rules Governing Section 2254 Cases in the United States

District Courts, the petition must "be signed under penalty of perjury by the petition or by a

person authorized to sign it for the petition under 28 U.S.C. § 2242." Petitioner did not sign his

petition nor is it not signed by a person authorized to sign on his behalf. Consequently, this

Court is dismissing Petitioner's Petition without prejudice for failure to comply with the

requirements of Rule 2(c)(5) of the Rules Governing Section 2254 Cases in the United States

District Courts.

The Court cautions Petitioner that if he decides to re-file his Petition, he must be cognizant of the Antiterrorism and Effective Death Penalty Act's one year limitations period.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Petition Under 28 U.S.C. § 2254 is DISMISSED without prejudice.

## SO ORDERED.

Signed: February 13, 2008

Graham C. Mullen United States District Judge